

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

FRANK DEPINTO,

Plaintiff,

v.

JIM HAMMOND, *et al.*,

Defendants.

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Case No. 1:13-cv-155

Judge Mattice

Magistrate Judge Carter

ORDER

On July 3, 2013, United States Magistrate Judge William B. Carter filed a Report and Recommendation (Doc. 3) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that this action be **DISMISSED** and Plaintiff's application to proceed *in forma pauperis* be **DENIED** as **MOOT**.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed *de novo* the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact and conclusions of law. Plaintiff's action is **DISMISSED** without prejudice and his motion to proceed *in forma pauperis* is **DENIED** as **MOOT**.

¹ Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 3); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings").

SO ORDERED this 19th day of September, 2013.

/s/ *Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE